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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGOBERTO TORRES,

Plaintiff,

vs.

WYNN LAS VEGAS, LLC, a Nevada Limited
Liability Company; DOES I-X; ROE
BUSINESS ENTITIES I-X,

Defendants.

Case No. 2:22-cv-00999-CDS-DJA

**STIPULATION TO EXTEND
DISCOVERY**

(FIFTH REQUEST)

Plaintiff Rigoberto Torres (“Plaintiff”), through his counsel Kemp & Kemp, and Defendant Wynn Las Vegas, LLC (“Defendant”), through its counsel Jackson Lewis P.C., hereby stipulate and agree to extend the discovery remaining and related deadlines for ninety (90) days. This is the parties’ fifth request for an extension.

A. Discovery Completed to Date.

To date, the parties have exchanged initial disclosures of documents and witnesses pursuant to FRCP 26(a)(1). Defendant supplemented its initial disclosures on November 1, 2023 and November 15, 2023.

Defendant has also propounded written discovery including interrogatories and requests for production on November 10, 2022, and Plaintiff responded on December 22, 2022.

Plaintiff served a notice to take the deposition of Defendant’s FRCP 30(b)(6) witness on March 6, 2023, to which Defendant objected, and the parties met and conferred on several occasions to clarify the topics in order to identify the FRCP 30(b)(6) witness(es) and schedule

1 new dates for depositions of the rule 30(b)(6) witness(es), as well as a date for Plaintiff's
2 deposition.

3 After successfully resolving their disputes without court intervention, Plaintiff took the
4 deposition of Defendant's Rule 30(b)(6) witness on November 7, 2023. On November 16, 2023,
5 Defendant took Plaintiff's deposition.

6 **B. Discovery Which Still Needs to Occur.**

7 The deposition of Defendant's Rule 30(b)(6) witness revealed five additional fact
8 witnesses the parties must depose. As a result of these depositions and Plaintiff's deposition, the
9 parties may need to serve third party subpoenas.

10 **C. Good Cause Supports this Request.**

11 Good cause supports the parties' request to extend discovery deadlines. The parties' recent
12 participation in depositions identified additional witnesses who must be deposed and revealed
13 additional factual disputes requiring further discovery. In addition, given the testimony of
14 Plaintiff and Defendant's Rule 30(b)(6) witness, the parties are exploring resolution through
15 informal negotiations or private mediation, which may render additional discovery unnecessary.

16 Considering the foregoing, and the time and preparation required to locate witnesses
17 (including former employees), schedule and prepare for at least five depositions, and complete
18 any subsequent discovery required as a result, the parties are unable to complete depositions and
19 written discovery in the time remaining.

20 **D. Proposed Schedule for Completing Remaining Discovery.**

21 **Discovery Cut-Off Date** – The December 18, 2023, discovery cut-off date shall be
22 extended to March 18, 2024 for the purpose of taking depositions and issuing third party
23 subpoenas.

24 **Dispositive Motions** – The January 17, 2024, dispositive motions deadline shall be
25 extended to April 17, 2024.

26 **Pretrial Order** – If no dispositive motions are filed, the Joint Pretrial Order shall be filed
27 thirty (30) days after the date set for the filing of the dispositive motions, which is May 17, 2024.
28 In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be

1 suspended until thirty (30) days after the decision on the dispositive motions or by further order of
2 the Court.

3 This stipulation and order is sought in good faith and not for the purpose of delay.

4 Dated this 22nd day of November, 2023.

5 KEMP & KEMP, ATTORNEYS AT LAW

JACKSON LEWIS P.C.

6 /s/ James P. Kemp

/s/ Deverie J. Christensen

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9 *Attorney for Plaintiff*

Attorneys for Defendant
Wynn Las Vegas, LLC

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11
12 **ORDER**

13 IT IS SO ORDERED:

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16 DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

17 DATED: 11/27/2023
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